

LUNENBURG SEWER BYLAW

DEFINITIONS

Available Capacity - Available Capacity is flow that is available via intermunicipal agreement or other sources that has not been previously allocated by the Sewer Commission.

Bi-sected lots - a bisected lot is a property for which the line defining the sewer service area passes through the lot.

Commission - The duly elected or appointed Board of Sewer Commissioners

Protective bylaw - The Protective Bylaw is the Zoning Bylaw of the Town of Lunenburg

Reserve Capacity - The flow capacity reserved for use by property owners along the sewered ways.

Sewer Service Area - The geographical areas of the Lunenburg Sewer Service Area with boundaries as delineated on a map approved by the Sewer Commission and by Town Meeting vote.

Sewer Service Area Map – The map approved by the Sewer Commission and by Town Meeting vote delineating the Sewer Service Area and Sewer Service Zones.

Sewer Service Zone - An area located within the Sewer Service Area and as shown on the Sewer Service Area Map.

1.0 PURPOSE

It is the purpose of this by-law to regulate the connections to and extensions of the Town's sewer system, in order to preserve and manage limited treatment capacity pursuant to inter-municipal agreements.

Providing solutions for wastewater problems (i.e. failed septic systems with poor site conditions for upgrades) within the Sewer Service Area will be given priority.

2.0 SEWER SERVICE AREA

The Town of Lunenburg, acting by and through the Lunenburg Sewer Commission may lay out, plan, construct, maintain and operate a system or systems of common sewers within the Sewer Service Area. The provision of sewer service within the Sewer Service Area shall be under the jurisdiction and control of the Sewer Commission. No person shall extend or construct a sanitary sewer intended to be connected to any municipal common sewer to serve property, or any portion of a property, located outside the designated Sewer Service Area.

The Sewer Service Area and Sewer Service Zones are delineated on the Sewer Service Area Map as approved by the Town Meeting. The Sewer Service Area Map may be amended from time to time by vote of Town Meeting.

Prior to the initiation of a sewer project in any Sewer Service Zone as identified on the Sewer Service Area Map, and prior to submitting an appropriation request to the Town, the Sewer Commission shall survey the landowners in said Sewer Service Area to determine whether a minimum of 2/3 of all affected owners support the installation of sewer service.

3.0 CONNECTION ELIGIBILITY

Developed parcels of land or portions of parcels of land located within a Sewer Service Zone that abut a public way

in which a sewer has been laid shall be eligible to connect existing buildings to the sanitary sewer unless said property is subject to a waiver deed restriction.

Any undeveloped single family lot, undeveloped commercial or industrial lot, or any undeveloped parcel of land created out of a pre-existing developed lot, provided it has with at least 50 feet of frontage along the sewered way located within the sewer district and provided it conforms to the requirements of the Lunenburg Protective Bylaw, shall be eligible to connect and shall be limited to 330 gallons per day of capacity. Additional capacity for said parcels may be granted by a majority vote of the Sewer Commission, subject to available capacity.

Sewer connections shall be located entirely on the property they are to serve. The connection must enter the property directly from the public way in which the sewer is located. No connections shall be allowed via an easement. A sewer line must remain within the parcel that it serves.

No property or portion of a property, located outside of Sewer Service Zones shall be allowed to extend or construct a sanitary sewer.

Any lot bisected by a Sewer Service Zone boundary line may only install a sewer connection that serves buildings that are located within the sewer service zone lines.

4.0 SEWER EXTENSIONS

Owners of parcels of land or portion of parcels of land located within the Sewer Service Area not presently served by sewer may extend the existing sewer system to serve such parcels only at the discretion of the Sewer Commission subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits.

Prior to granting approval for any sewer extension, the Commission may require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describe proposed work.

All development and construction shall be monitored in accordance with the "Monitoring and Inspection Procedures and Fee System of the Lunenburg Sewer Commission."

Upon approval, prior to commencement of work, the applicant may be required to post bonds, undertakings, guaranties and insurance policies in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration and to indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work.

5.0 RESERVE CAPACITY

At the time of finalization of the betterment for a sewer project, the 100% build out utilization capacity shall be established consistent with the number of assessments and capacity allotment. Ninety percent (90%) of this total capacity shall be held in reserve by the Sewer Commission for future use by the assessed properties that are equitably entitled to such capacity.

6.0 ALLOCATION OF CAPACITY FOR CHANGE OR EXPANSION OF USE IN EXISTING FACILITIES

The Sewer Commission may allow for increased allocation for the change of use, or expansion of use which results in an increased sewage design flow, in existing facilities within the Sewer Service Area subject to available capacity and subject to the assessment of privilege fees by the Sewer Commission under General Laws Chapter 83, Sections 17 and 20. A change of use or expansion of a preexisting use shall be defined as any undertaking on a property whether involving material changes to structures or not, which results in an increase of design flow on the property

from the existing conditions pursuant to 310 CMR 15.000.

7.0 APPROVAL REQUIRED FOR CHANGE OR EXPANSION OF PROPERTY USE

Any proposed change or expansion of property use (as defined in Section 6.0) which results in an increase in flow allocation or change in type of flow (i.e. residential to commercial, or commercial to industrial) for a property within the Sewer Service Area shall be reviewed by the Sewer Commission. An application completed by the property owner on a form approved by the Commission shall accurately and completely indicate the existing use and the proposed use and the associated flows calculated pursuant to the State Sanitary Code, 310 CMR 15.000 Title V. At the discretion of the Sewer Commission, applications may be approved by the Sewer Commission based on available capacity.

8.0 ABANDONMENT OF SEPTIC SYSTEMS AT PROPERTIES TO BE SERVED BY MUNICIPAL SEWER

Within thirty (30) days of connection to the sewer system, the on-site subsurface sewage disposal system shall be abandoned in accordance with the Lunenburg Board of Health regulations and the State Sanitary Code, Title V.

9.0 REGULATION CHANGES

The Sewer Commission will establish a draft of proposed changes during regular, properly posted open meetings. Once there is consensus on the proposed changes, a formal hearing will be scheduled and will take place over 2 regularly scheduled meetings. Both hearings will be televised. A notice of the hearing will be put in a local newspaper at least 5 business days prior to the hearing dates. At the discretion of the Sewer Commission, the hearing may be continued to the next consecutive open, regularly scheduled meeting. Once the hearing is closed, the final changes will be drafted and voted on. The proposed and approved changes will be posted on the Commission's Town website.